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EXAMINER

HENNING, MATTHEW T

ART UNIT

PAPER NUMBER

2131

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DELIVERY MODE

06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/066,725

Applicant(s)

MURASE ET AL.

Examiner

Matthew T. Henning

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-14, 17,18,22-26,28-31,34-36,38-41,44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-14, 17,18,22-26,28-31,34-36,38-41,44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

1 This action is in response to the communication filed on 4/11/2007.

2 **DETAILED ACTION**

3 *Response to Arguments*

4 Applicant's arguments with respect to the prior art rejections of claims 1-2, 4, 7-14, 17-
5 18, 22-26, 28-31, 34-36, 38-41, and 44-45 have been considered but are moot in view of the new
6 ground(s) of rejection.

7 Regarding applicants argument regarding the rejection of claims 1-2, 4, 7-14, 17-18, and
8 22-24 under 35 USC 101, the examiner does not find the argument persuasive. In order for a
9 claim to meet the statutory requirement of 35 USC 101, all embodiments which fall within the
10 claim language must be statutory. In this case, the claim language does not include anything that
11 must fall within one of the statutory categories, as discussed below. Instead, the claims include
12 an embodiment comprised only of software. As such, the examiner does not find the argument
13 persuasive, and has maintained the rejection under 35 USC 101.

14 Claims 1-2, 4, 7-14, 17-18, 22-26, 28-31, 34-36, 38-41, and 44-45 have been examined,
15 while claims 3, 5-6, 15-16, 19-21, 27, 32-33, 37, and 42-43 have been cancelled.

16 All objections and rejections not set forth below have been withdrawn.

17 *Specification*

18 The specification is objected to as failing to provide proper antecedent basis for the
19 claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the
20 following is required: The claims 1, 25, and 35 recites a total nullifying unit, which destroys data
21 "only when the processing capacity judging unit judges that the data nullification device has the
22 sufficient capacity". New claim 45 further recites the judging unit judging that there is sufficient

Art Unit: 2131

capacity "when the processing capacity is sufficient to operate both of the reproducing unit and the total nullifying unit without limiting a function of the reproduction unit". See the rejection of claims 19-21 under 35 USC 112 1st Paragraph below.

Claim Objections

Claims 2, and 7-14 are objected to because of the following informalities: Each of these claims recites "said judging unit". However there are two judging units recited in claim 1 and as such it is not clear which unit is being referred to in the claim limitation. The examiner will assume for the purposes of searching prior art that the limitation is referring to either judging unit. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2, 4, 7-14, 17-18, 22-26, 28-31, 34-36, 38-41, and 44-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 25, and 35 recite a total nullifying unit, which destroys data "only when the processing capacity judging unit judges that the data nullification device has the sufficient capacity". However, the examiner can only find support in the specification for destroying data

Art Unit: 2131

when the device has sufficient capacity. The examiner cannot find support in the specification that suggests that the "total nullifying unit" **only** destroys data when the judging unit determines that there is sufficient capacity, and the applicants have not shown where this limitation is supported in the specification.

Furthermore, claim 45 recites the judging unit judging that there is sufficient capacity "when the processing capacity is sufficient to operate both of the reproducing unit and the total nullifying unit without limiting a function of the reproduction unit". The examiner can find no support for this newly added limitation and the applicants have not shown where this limitation is supported in the specification. Therefore, it would not be clear to the ordinary person skilled in the art as to whether the applicants had possession of the claimed invention at the time of invention. Therefore, claims 1-2, 4, 7-14, 17-18, 22-26, 28-31, 34-36, 38-41, and 44-45 are rejected for failing to meet the written description requirement of 35 USC 112 1st Paragraph.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-2, 4, 7-14, 17-18, 22-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Although the claims are directed towards a "device" comprising a combination of "units" the examiner points to the specification Page 18 Paragraph 3 wherein it is shown that the steps performed by the "units" can be performed by software. As such, a reasonable interpretation of the claim language includes the case where each unit is simply a set of computer program instructions. As such, the claims are directed towards a program listing, which is non functional descriptive material *per se*, which does not

Art Unit: 2131

fall within one of the statutory categories of invention. Therefore, claims 1-2 and 4-24 are rejected for failing to meet the statutory subject matter requirement of 35 USC 101. See MPEP § 2106.01.

Claim Rejections - 35 USC § 103

Claims 1-2, 4, 7-8, 12-4, 22-26, 28, 31, 35-36, 38, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita (US Patent Number 6,694,002) hereinafter referred to as Matsushita, and further in view of Masinter (US Patent Number 5,742,807), and further in view of Yohe et al. (Patent Application Publication 2003/0050996) hereinafter referred to as Yohe.

The applied references have a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Regarding claim 1, Matsushita disclosed a data nullification device for nullifying at least a part of target data recorded on a recording medium, the target data being made up a plurality of data blocks (See Matsushita Abstract and Figs. 1 and 4), the data nullification device comprising: a judging unit (See Matsushita Figs. 1 Element 18) operable to judge, for each data block of the target data, whether the data block needs be nullified (See Matsushita Fig. 4 Step S3a and Col. 6 Lines 31-57); and a nullifying unit (See Matsushita Fig. 1 Element 21) operable to, when a predetermined number of data blocks are judged as needing to be nullified or when one or more data blocks whose total amount of data reaches a predetermined amount are judged as needing to be nullified, nullify the judged data blocks (See Matsushita Col. 6 Lines 41-54), but failed to specifically disclose a "sequential" nullifying unit operable to destroy only a part of a data block judged as needing to be nullified, the part including data necessary to utilize remaining parts of the data block; a processing capacity judging unit operable to judge whether the data nullification device has a processing capacity sufficient to destroy all data which is judged as needing to be nullified; and a total nullifying unit operable to destroy data which is included in the data block judged as needing to be nullified and is not destroyed by the sequential nullifying unit, only when the processing capacity judging unit judges that the data nullification device has the sufficient processing capacity. However, Matsushita did disclose that the new data blocks were recorded to the same medium as the judged data blocks (See Matsushita Col. 5 Line 45 – Col. 6 Line 57 "hard disk"), and disclosed "zeroing" the previously judged data (See Matsushita Col. 6 Lines 51-54).

Masinter teaches that for data which is encrypted by a key, it is much simpler to destroyed the decryption key for the data, than to destroy all of the encrypted data itself (See

Masinter Col. 2 Lines 57-61) and that the key used to encrypt and decrypt the data can be a hash of the data (See Masinter Col. 2 Lines 54-56).

Yohe teaches a processing capacity monitor, which enables and disables processor intensive functions depending on whether the processor utilization is above or below a certain threshold (See Yohe Fig. 23 and Paragraphs 086, and 0121-0126).

It was further well known that even without the knowledge of an encryption key, encrypted data can be recovered through a very long process known as a brute force attack.

It would have been obvious to employ the teachings of Yohe and Masinter in the content erasing system of Matsushita by employing a function which only destroys the decryption key for each packet judged to be erased, measuring the processor utilization, and upon finding it below a certain threshold, enabling the functionality of destroying all of the encrypted packet data, and otherwise disabling that functionality. This would have been obvious because the ordinary person skilled in the art would have been motivated to decrease the amount of overwriting required to erase each packet, while still preventing recovery of the data through brute force attack, without slowing down the overall responsiveness of the system.

Regarding claim 25, Matsushita disclosed A data nullification program embodied on a computer readable medium for nullifying at least a part of target data recorded on a recording medium, the target data being made up of a plurality of data blocks, the data nullification program causing a computer to execute of a method comprising: judging, for each data block of the target data, whether the data block needs to be nullified (See Matsushita Fig. 4 Step S3a and Col. 6 Lines 31-57); receiving continuously transmitted data from an external device, and setting the received data as a new data block (See Matsushita Col. 5 Line 45 – Col. 6 Line 12); and

1 overwriting, when predetermined number of data blocks are judged as needing to be nullified or
2 when one or more data blocks whose total amount of data reaches a predetermined amount are
3 judged as needing to be nullified, the judged data blocks (See Matsushita Col. 6 Lines 41-54) but
4 failed to specifically disclose a “sequential” nullifying unit operable to destroy only a part of a
5 data block judged as needing to be nullified, the part including data necessary to utilize
6 remaining parts of the data block; a processing capacity judging unit operable to judge whether
7 the data nullification device has a processing capacity sufficient to destroy all data which is
8 judged as needing to be nullified; and a total nullifying unit operable to destroy data which is
9 included in the data block judged as needing to be nullified and is not destroyed by the sequential
10 nullifying unit, only when the processing capacity judging unit judges that the data nullification
11 device has the sufficient processing capacity. However, Matsushita did disclose that the new
12 data blocks were recorded to the same medium as the judged data blocks (See Matsushita Col. 5
13 Line 45 – Col. 6 Line 57 “hard disk”), and disclosed “zeroing” the previously judged data (See
14 Matsushita Col. 6 Lines 51-54).

15 Masinter teaches that for data which is encrypted by a key, it is much simpler to
16 destroyed the decryption key for the data, than to destroy all of the encrypted data itself (See
17 Masinter Col. 2 Lines 57-61) and that the key used to encrypt and decrypt the data can be a hash
18 of the data (See Masinter Col. 2 Lines 54-56).

19 Yohe teaches a processing capacity monitor, which enables and disables processor
20 intensive functions depending on whether the processor utilization is above or below a certain
21 threshold (See Yohe Fig. 23 and Paragraphs 086, and 0121-0126).

Art Unit: 2131

1 It was further well known that even without the knowledge of an encryption key,
2 encrypted data can be recovered through a very long process known as a brute force attack.

3 It would have been obvious to employ the teachings of Yohe and Masinter in the content
4 erasing system of Matsushita by employing a function which only destroys the decryption key
5 for each packet judged to be erased, measuring the processor utilization, and upon finding it
6 below a certain threshold, enabling the functionality of destroying all of the encrypted packet
7 data, and otherwise disabling that functionality. This would have been obvious because the
8 ordinary person skilled in the art would have been motivated to decrease the amount of
9 overwriting required to erase each packet, while still preventing recovery of the data through
10 brute force attack, without slowing down the overall responsiveness of the system.

11 Matsushita further failed to disclose method being implemented in software. However, it
12 was well know that the functionality of a system can be implemented in software in order to
13 provide for greater ease of upgrade. Therefore, it would have been obvious to the ordinary
14 person skilled in the art at the time of invention to implement the system of Matsushita in
15 software running on a processor. This would have been obvious because the ordinary person
16 skilled in the art at the time of invention would have been motivated to ensure the system could
17 be easily upgraded.

18 Regarding claim 35, Matsushita disclosed a data nullification method for nullifying at
19 least a part of target data recorded on a recording medium, the target data being made up of a
20 plurality of data blocks, the data nullification method comprising: judging, for each data block of
21 the target data, whether the data block needs to be nullified (See Matsushita Fig. 4 Step S3a and
22 Col. 6 Lines 31-57); receiving continuously transmitted data from an external device, and setting

1 the received data as a new data block (See Matsushita Col. 5 Line 45 – Col. 6 Line 12); and
2 overwriting, when predetermined number of data blocks are judged as needing to be nullified or
3 when one or more data blocks whose total amount of data reaches a predetermined amount are
4 judged as needing to be nullified, the judged data blocks (See Matsushita Col. 6 Lines 41-54) but
5 failed to specifically disclose a “sequential” nullifying unit operable to destroy only a part of a
6 data block judged as needing to be nullified, the part including data necessary to utilize
7 remaining parts of the data block; a processing capacity judging unit operable to judge whether
8 the data nullification device has a processing capacity sufficient to destroy all data which is
9 judged as needing to be nullified; and a total nullifying unit operable to destroy data which is
10 included in the data block judged as needing to be nullified and is not destroyed by the sequential
11 nullifying unit, only when the processing capacity judging unit judges that the data nullification
12 device has the sufficient processing capacity. However, Matsushita did disclose that the new
13 data blocks were recorded to the same medium as the judged data blocks (See Matsushita Col. 5
14 Line 45 – Col. 6 Line 57 “hard disk”), and disclosed “zeroing” the previously judged data (See
15 Matsushita Col. 6 Lines 51-54).

16 Masinter teaches that for data which is encrypted by a key, it is much simpler to
17 destroyed the decryption key for the data, than to destroy all of the encrypted data itself (See
18 Masinter Col. 2 Lines 57-61) and that the key used to encrypt and decrypt the data can be a hash
19 of the data (See Masinter Col. 2 Lines 54-56).

20 Yohe teaches a processing capacity monitor, which enables and disables processor
21 intensive functions depending on whether the processor utilization is above or below a certain
22 threshold (See Yohe Fig. 23 and Paragraphs 086, and 0121-0126).

1 It was further well known that even without the knowledge of an encryption key,
2 encrypted data can be recovered through a very long process known as a brute force attack.

3 It would have been obvious to employ the teachings of Yohe and Masinter in the content
4 erasing system of Matsushita by employing a function which only destroys the decryption key
5 for each packet judged to be erased, measuring the processor utilization, and upon finding it
6 below a certain threshold, enabling the functionality of destroying all of the encrypted packet
7 data, and otherwise disabling that functionality. This would have been obvious because the
8 ordinary person skilled in the art would have been motivated to decrease the amount of
9 overwriting required to erase each packet, while still preventing recovery of the data through
10 brute force attack, without slowing down the overall responsiveness of the system.

11 Regarding claims 2, 26, and 36, Matsushita, Masinter, and Yohe disclosed that the
12 recording medium stores sequence information that shows a sequence in which the plurality of
13 data blocks were recorded onto the recording medium and the judging unit judges, in succession,
14 the plurality of data blocks in the sequence shown by the sequence information, as needing to be
15 nullified (See Matsushita Figs. 1 and 4, and Col. 6 Lines 29-57).

16 Regarding claim 4, Matsushita, Masinter, and Yohe disclosed that each data block has a
17 length corresponding fixed transmission time period, a specified number of recording areas
18 which are each used as a recording area of a data block are reserved on the recording medium
19 (See Matsushita Col. 5 Line 66 – Col. 6 Line 6).

20 Regarding claims 7, 12, 28, 31, 38, and 41, Matsushita, Masinter, and Yohe disclosed a
21 utilizing unit operable to utilize the target data recorded on the recording medium, wherein the

judging unit data block which was utilized by in units of data blocks, further judges that each the
utilizing unit needs nullified (See Matsushita Col. 6 Lines 29-57).

Regarding claim 8, and 13 Matsushita, Masinter, and Yohe disclosed that the target data
is content data which is transmitted from an external device and recorded on the recording
medium (See Matsushita Col. 5 Lines 45-65 and Abstract), the content data is accompanied with
copy control information showing whether copying of the content data is permitted or prohibited
(See Matsushita Col. 5 Lines 51-53), the utilizing unit reproduces the content data recorded on
the recording medium, in units of data blocks, and only if the copy control information
accompanying the content data shows that the copying of the content data is prohibited, the
judging unit judges that each data block which was reproduced by the utilizing unit needs to be
nullified (See Matsushita Col. 6 Lines 31-54).

Regarding claim 14, Matsushita, Masinter, and Yohe disclosed that the target data is
accompanied with copy control information showing whether copying of the target data
permitted or prohibited (See Matsushita Col. 5 Lines 51-53), the utilizing unit records the on the
recording medium, to another target data recorded recording medium, units of data blocks, and
only if the copy control information accompanying the target data shows that the copying of the
target data is prohibited, the judging unit judges that each data block on the recording medium
which was recorded by the utilizing unit needs to be nullified (See Matsushita Col. 6 Lines 31-54
and Col. 6 Line 66 – Col. 7 Line 11).

Regarding claims 22, 34, and 44, Matsushita, Masinter, and Yohe disclosed that each data
block recorded on the recording medium has been encrypted using an individual encryption key
(See Matsushita Col. 5 Lines 57-62), and a decryption key for decrypting the encrypted data

1 block is stored on the recording medium (See Matsushita Col. 5 Lines 57-62 and Col. 6 Lines
2 41-45), and the sequential nullifying unit destroying the decryption key when the data block is
3 judged to be erased (See the rejection of claim 1 above).

4 Regarding claim 23, the combination of Matsushita, Masinter, and Yohe disclosed an
5 acquiring unit operable to acquire the target data in an encoded form (See Matsushita Col. 6
6 Lines 41-45); a decoding unit operable to decode the encoded target data using a user key which
7 has been provided to authorized users in advance, to obtain the target data (See Matsushita Col. 6
8 Lines 41-45); a key generating unit operable to generate an arbitrary encryption key and a
9 decryption key corresponding to the encryption key, for each data block of the target data (See
10 Masinter Col. 5 Lines 40-48); a data encrypting unit operable to encrypt the data block using the
11 encryption key so that the encrypted data block can be decrypted using the corresponding
12 decryption key (See Masinter Col. 2 Lines 54-56); a key encrypting unit operable to encrypt the
13 decryption key using an identifier unique to the data nullification device (See Masinter Col. 4
14 Paragraph 2); and recording unit operable to record the encrypted data block and the encrypted
15 decryption key onto recording medium (See Matsushita Col. 5 Lines 45-65).

16 Regarding claim 24, the combination of Matsushita, Masinter, and Yohe disclosed that at
17 least the decoding unit, the key generating unit, the data encrypting unit, and the key encrypting
18 unit are contained in a single semiconductor chip (See Matsushita Fig. 1).

19 Regarding claim 45, the combination of Matsushita, Masinter, and Yohe disclosed that
20 the target data is data relating to digital content (See Matsushita Abstract), wherein the data
21 nullification device further comprises a reproducing unit operable to reproduce the digital
22 content based on the data relating to the digital content (See Matsushita Abstract), and wherein

Art Unit: 2131

1 the processing capacity judging unit judges that the data nullification device has the sufficient
2 processing capacity when the processing capacity is sufficient to operate both of the reproducing
3 unit and the total nullifying unit without limiting a function of the reproducing unit, and judges
4 that the data nullification device does not have the sufficient processing capacity when the
5 processing capacity is not sufficient to operate both of the reproducing unit and the total
6 nullifying unit without limiting the function of the reproducing unit (See the rejection of claim 1
7 above wherein it would have been obvious that playback is of a higher priority than prevention
8 of a potential brute force attack in a content reproduction environment).

10 Claims 9-11, 29-30, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable
11 over Matsushita, Masinter, and Yohe as applied to claims 1, 25, and 35 above, and further in
12 view of Garfinkle (US Patent Number 5,400,402).

13 Regarding claims 9, 29, and 39, Matsushita, Masinter, and Yohe disclosed judging
14 whether data blocks needed to be nullified or not (See Matsushita Col. 51-54), but failed to
15 disclose the data blocks having an expiration time at which they would need to be nullified.

16 Garfinkle teaches that downloaded content should be given a time limit and once the time
17 limit is reached the content should be erased (See Garfinkle Col. 2 Lines 26-35).

18 It would have been obvious to the ordinary person skilled in the art at the time of
19 invention to employ the teachings of Garfinkle in the content system Matsushita, Masinter, and
20 Yohe by providing a time limit with the content packets and erasing the content packets once the
21 time limit was over. This would have been obvious because the ordinary person skilled in the art
22 at the time of invention would have been motivated to control the use of the received content.

Art Unit: 2131

1 Regarding claims 10, 30, and 40, see the rejection of claim 7 above.

2 Regarding claim 11, see the rejection of claim 8 above.

3 Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the
4 combination of Matsushita, Masinter, and Yohe as applied to claim 1 above, and further in view
5 of Boyce et al. (US Patent Number 5,717,816) hereinafter referred to as Boyce.

6 Matsushita, Masinter, and Yohe disclosed nullification of MPEG data (See the rejection
7 of claim 1 above and Matsushita Col. 1), but failed to disclose a unit for destroying only an I
8 picture or the first sector of an I picture.

9 Boyce teaches that an I frame is necessary to support trick play of an MPEG (See Boyce
10 Col. 4 Lines 37-47).

11 It would have been obvious to the ordinary person skilled in the art at the time of
12 invention to employ the teachings of Boyce in the content reproduction system of Matsushita,
13 Masinter, and Yohe by providing a unit for destroying I-frames or parts thereof. This would
14 have been obvious because the ordinary person skilled in the art would have been motivated to
15 provide a means for preventing trick play of an MPEG.

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Conclusion

Claims 1-2, 4, 7-14, 17-18, 22-26, 28-31, 34-36, 38-41, and 44-45 have been rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Matthew Henning/
Assistant Examiner
Art Unit 2131
6/22/2007


SYED A. ZIA
PRIMARY EXAMINER